

All corrections to notes on this calendar should be filed no later than 12 P.M. (Noon) on 5-13-08. Document filed after this time may not be reviewed prior to hearing and could result in a continuance of your case. The update to these notes will be posted in the late afternoon of the following day.

Proposed Local Rules have been posted and can be viewed
by visiting

<http://www.sbcounty.gov/courts/pdfs/misc/proposedrules.pdf>

The court welcomes your comments on these proposed rules. Please send them via E-mail to dmeyers@courts.sbcounty.gov or mail them to San Bernardino County Superior Court, 303 West Third Street, Mail Stop 240, San Bernardino, CA 92415. Comments are due by May 12, 2008. If sending comments close to the end of the comment period, please email only.

The Probate Examiners can be reached at ProbateNotes@courts.sbcounty.gov. Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened. Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes. PLEASE DO NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN RECEIVED, OR TO REQUEST THE CLEARING OF NOTES. No legal or procedural advice may be given.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH **PROBATE**

DATE: 05/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0600168

CASE NAME: ESTATE OF CINDA SUE MELLARD

HEARING:

Hearing Re: STATUS.

COUNSEL:

JEFFREY S MELLARD (PET)...MARIELLEN ROSS
CINDA SUE MELLARD (DEC)...
BRITTANY MELLARD (PET)...PRO/PER
STATE OF CALIFORNIA FRANCHISE (TP)...PRO/PER
JAMES BANKS JR ()...

GENERAL INFORMATION:

Letters of Special Administration issued to Jeffrey Mellard on 1/3/07. There were competing petitions between Jeffrey Mellard and Brittany Mellard. At Readiness on 3/22/07, Attorney Ross indicated there was an agreement between the parties and Attorney Ross was to prepare stipulation and submit. No stipulation is submitted

Continued from 8/30/07 as **170.6 Affidavit was filed.**

Last continued from 11/8/07 at request of counsel. Nothing new filed.

Continued from 01/24/08 at request of counsel to speak with parties. Notice of continuance filed.

Continued from 3-24-08 at the request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Status

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Find out status of stipulation agreed on 03/22/07.
2. No status report or accounting has been filed.

RECOMMENDATION:

Court's discretion.

(/gls/cbr/NMT)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0600244

CASE NAME: EST OF RUTH ELIZABETH CURTI

HEARING:

Hearing Re: REPORT ON STATUS OF ADMINISTRATION.

COUNSEL:

SHARON L HAAGSMA (PET)...VOGT & RESNICK, LLP
RUTH ELIZABETH CURTI (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Estate is not in a condition to close due to the need to close the estate of decedent's predeceased spouse. There will be assets coming to this estate from the other estate.
2. Petitioner requests that estate remain open for 6 more months. As this may result in multiple continuances the recommendation will be for the usual 1 year continuance of the estate.

RECOMMENDATION:

Recommended for approval absent objection. Set hearing for the next status report and/or account for 5-26-09. Any accounting to be filed 30 days in advance. Estate to remain open until that time.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0600317

CASE NAME: HILBRANDT GOEDHART

HEARING:

FIRST AND FINAL Account and Report of HELEN WILSON and Petition
for allowance of fees filed.

COUNSEL:

HELEN WILSON (PET)...GORDON & REES
HILBRANDT GOEDHART (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON first and final account and report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. File notice of hearing and proof of service.
2. Petitioner has paid Graduated Filing Fees, but has not requested a refund.
Any request for refund must be in writing and accompanied by an order for
court's signature.
3. Statutory fees are \$31,040.52.
4. Please file escrow closing statement as is required by Local Rules of
Court, Rule 20-910.
5. Petitioner requests authority to withhold \$26,000 in closing costs.
6. Accounting looks ok.

RECOMMENDATION:

Need to correct notes. If petition granted court will have to set future dates. Set
hearing for filing of receipts and discharge for 5-26-09.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0600339

CASE NAME: JOSEPH EVANS PAULINE

SEE ALSO 5

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

SUZANNE STALKER (PET)...MICHAEL J OBRIEN

JOSEPH EVANS PAULINE (DEC)...

GENERAL INFORMATION

Continued from 9-18-07. No inventory and appraisal filed and no one appeared.
Court set matter for OSC re sanctions.

Continued from 10/30/07 at request of counsel – I&A with probate referee. OSC
dismissed.

Continued from 12/05/07 at request of counsel – I&A with client for signature.

Continued from 1/30/08. Court ordered I&A filed or appearance by counsel and
personal representative at next hearing due to numerous continuances.

**Continued from 4-2-08. No appearance. Court again continued matter and
had the clerk give notice.**

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Letters of administration issued 4/4/07.
2. Partial I&A filed. Need Final I&A.

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, the court may set
hearing in accord with Pr. C. §§ 8804 and/or 8505. Clerk to give notice to
bonding company.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0600339

CASE NAME: JOSEPH EVANS PAULINE
SEE ALSO 4
HEARING:
Accounting Review

COUNSEL:
SUZANNE STALKER (PET)...MICHAEL J OBRIEN
JOSEPH EVANS PAULINE (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review and/or status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Matter is set for accounting review. No accounting and/or status report has been filed.

RECOMMENDATION:

If the personal representative does not file the accounting as required, the court shall take action as specified in Pr. C. § 11050 et seq. Clerk will have to notice bonding company.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700531

CASE NAME: GEORGE WILSON, JR

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

BOBBY CROMARTIE (PET)...BANKS AND STRATHMAN
GEORGE WILSON JR (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Two partial Inventory and appraisals have been filed. When will final be filed? File verified supplement.
2. Copies of investment account statements verifying the balance of cash or securities shall be filed with all inventories and/or accountings. Please file those documents. Local Rule of Court, Rule 20-908.

RECOMMENDATION:

Determine when final inventory and appraisal will be filed and set control date to ensure compliance. Require petitioner to file bank statements to support inventory and appraisal.

NMT

Future hearings currently set: 1-13-09 for accounting review.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700549

CASE NAME: ANTHONY GEORGE PEICH
SEE ALSO 7A

HEARING:

Petition for TO ORDER FILING OF ACCOUNTING, FOR REMOVAL OR
SURCHARGE OR BOTH OF TRUSTEE/ATTORNEY FEES

COUNSEL:

SANDRA PEICH-SELIG (PET)...BANKS GARCIA & JANIS
ANTHONY GEORGE PEICH (DEC)...
ANTHONY J PEICH JR (OBJ)...GOOD WILDMAN HEGNESS &
WALLEY

GENERAL INFORMATION continued from 7/17/07 at request of counsel.
Nothing new filed

Continued from 8-22-07. Notes not corrected.

Continued from 10-9-07. Nothing new filed but a notice of continuance.

Continued from 1/8/08 at request of counsel. Nothing new filed.

**Continued from 1-31-08 at request of parties to attend mediation. Motion to
strike portions of the response was denied.**

THIS CASE IS SET FOR HEARING ON petition for order for accounting, removal
and/or surcharge of the trustee, appointment of new trustee and attorney fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioner has failed to list the names and addresses of all persons entitled to notice in the body of the petition, as is required by Pr.C. § 17201. File verified supplement. **We have received proof of service on Cassie Bacon and a receipt and acknowledgment from Nikki Presley-Miliband. It is unknown what other persons must be served.**
2. Petitioner has had a summons issued in this matter. There is no summons procedure available for Pr.C. § 17200 matters.

3. Petitioner alleges that the trustee has used the property of the trust for his own benefit and has wasted approximately \$50,000 of the trust assets. Petitioner also alleges that the trustee has failed to rent the property, but has rather allowed his family and friends to occupy the trust property. Although not stated in the body of the petition it would appear that this is an allegation for removal pursuant to Pr.C. § 15642 (b)(1).
4. Petitioner alleges that the trustee is hostile toward her and has therefore treated her unfairly in relation to the other beneficiaries. Petitioner has failed to set forth any authority for the allegation. The authority for a duty of impartiality is found at Pr.C. § 16003.
5. File copy of the trust, as is required by Local Rule of Court, Rule 1502.
6. Petitioner demands that a second amended accounting be filed. The court has the power to compel the trustee to report information about the trust or to account if the trustee fails to submit the report within 60 days after written demand and no report or account has been made within six months preceding the request. (Pr.C. § 17200(b)(7)). Petitioner has failed to set forth any of the required allegations that would allow the court to order an accounting.
7. Petitioner has requested surcharge, but offers no authority for the request. The authority for surcharge can be found at Pr.C. § 16420(a)(3).
8. Petitioner requests attorney fees and cost, but cites no authority for the request other than in the caption. It would appear that the basis for the request is Pr.C. § 15645 trustee's failure to turn over administration on request followed by the court's order to remove the trustee.
9. Response to Petition is filed by Anthony Peich.
10. Motion to strike portions of the response filed by petitioner. **Motion was denied.**

RECOMMENDATION:

Determine if mediation resolved issues, if not, then require correction of notes and set for contested hearing.

(NMT/GLS/NMT)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700549

CASE NAME: ANTHONY GEORGE PEICH
SEE ALSO 7

HEARING:
Petition for FIRST REPORT OF TRUSTEE

COUNSEL:
SANDRA PEICH-SELIG (PET)...BANKS GARCIA & JANIS
ANTHONY GEORGE PEICH (DEC)...
ANTHONY J PEICH JR (OBJ)...GOOD WILDMAN HEGNESS &
WALLEY

GENERAL INFORMATION:

Report covers period: 6/10/05 – 8/31/06

Continued from 10-9-07. Only new thing filed was a notice of hearing.

Continued from 1/8/08 at request of counsel.

Continued from 1-31-08 at request of parties to attend mediation. Motion to strike and motion for protective orders re discovery denied. Nothing new filed.

THIS CASE IS SET FOR HEARING ON First Report of Trustee

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner reserves the right to pay himself reasonable compensation pursuant to the terms of the Trust (Paragraph F, Article VIII)
2. Petitioner has paid attorney's fees of \$19,113.50. Need to file declaration to support services provided, hourly rate and attorney/paralegal providing such service. File verified supplement.

3. Petitioner alleges that once the issues relating to the personal property have been resolved and the Big Bear property sold, a determination can be made as to what each beneficiary's trust distributive share will be.
4. Objections filed and motion to strike portions of the first report filed.
Motion to strike denied. Motion for protective order re discovery denied.

RECOMMENDATION:
Matter is contested.

(NMT/GLS/NMT)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700927

CASE NAME: MTR OF IONE V L WEINARD

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

MAUREEN I OLINGER (PET)...VARNER & BRANDT, LLP
IONE V L WEINARD (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. No inventory and appraisal filed.

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, the court may set a hearing in accord with Pr.C. §§ 8804 and/or 8505. There is no bonding company to notice.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700977

CASE NAME: ANNAZENE PEICH

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

ANTHONY J PEICH	(PET)...	GOOD WILDMAN HEGNESS &
WALLEY		
ANNAZENE PEICH	(DEC)...	
SANDRA PEICH-SELIG	(OBJ)...	BANKS GARCIA & JANIS

GENERAL INFORMATION Continued from 11-21-07 and 1/8/08. Nothing new
filed.

**Continued from 1-31-08. On 4-7-08 Anthony Peich was appointed special
administrator by stipulation of the parties. Nothing else new filed.**

THIS CASE IS SET FOR HEARING ON Petition for letters testamentary, full
authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Will waives bond.
2. Petitioner apparently provides a photocopy of the will and states that
the original cannot be found. Issues:
 - a. Petition is not titled a petition to probate a lost will (and therefore
does not put recipients on proper notice). Need amendment and
new service/publication.
 - b. When a will is lost, and was last in the testator's possession, it is
presumed that the testator destroyed the will with the intent to
revoke it. Pr.C. 6124. This presumption affects the burden of
producing evidence and unless petitioner can overcome the

presumption, no valid will exists. Petitioner presents a declaration re lost will (tabbed in file). JTD.

3. **Objections filed by Sandra Peich-Selig, daughter and beneficiary. Objector would like to see another person serve as personal representative. Question if petitioner will be filing for appointment?**

RECOMMENDATION Need to clear notes and set for contested hearing. If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 12-23-08. Set hearing for filing of accounting and/or status report for 7-28-09. Any accounting to be filed 30 days in advance.
(NMT/gls/NMT)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0701000

CASE NAME: ANTHONY GEORGE PEICH

HEARING:

Petition for Probate, Letters of Tstmntry with full authority
under IAEA.

COUNSEL:

ANTHONY J PEICH (PET)...GOOD WILDMAN HEGNESS &
WALLEY

ANTHONY GEORGE PEICH (DEC)...
SANDRA PEICH-SELIG (OBJ)...BANKS GARCIA & JANIS

GENERAL INFORMATION No file available for review.

MIA

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800003

CASE NAME: LINDA PARNELL SPECIAL NEEDS TRUST

HEARING:
Petition for ORDER AUTHORIZING ESTABLISHMENT OF SPECIAL
NEEDS
TRUST

COUNSEL:
LINDA PARNELL (PET)...SOHEILA S AZIZI & ASSOCIATES P

GENERAL INFORMATION **Continued from 2-19-08.**
Continued from 4-8-08 to allow the petitioner to amend the trust as to the trustee. Nothing new filed.

THIS CASE IS SET FOR HEARING ON petition to authorize the establishment of
Special Needs Trust

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. The petitioner is an individual who alleges that she has been diagnosed with schizophrenia of such a degree that it renders her disabled. She is currently receiving S.S.I. She was also the victim in an accident resulting in her receipt of \$65,000. She seeks to create a Special Needs Trust with herself as the sole beneficiary and trustee for the purpose of ensuring that the petitioner's S.S.I. and Medi-Cal benefits will not be disrupted.
2. Probate Code section 3604(b) states the findings that the court must make before approving a Special Needs Trust:
“(b) A special needs trust may be established and continued under this section only if the court determines all of the following:
(1) That the minor or person with a disability has a disability that substantially impairs the individual's ability to provide for the individual's own care or custody and constitutes a substantial handicap.

(2) That the minor or person with a disability is likely to have special needs that will not be met without the trust.

(3) That money to be paid to the trust does not exceed the amount that appears reasonably necessary to meet the special needs of the minor or person with a disability.”

3. Here we have only the petitioner’s unverified statement that she suffers from a disability. Actually, it is not even her statement, as the only one who signed the petition is the attorney for the petitioner. As to whether the petitioner will have special needs, we have no verified statement concerning what those special needs might be. In reference to issue 2 the petition merely states at page 4, lines 1-2 “She will be able to afford suitable accommodations and more able to meet her ordinary and incidental expenses of life.” This would not appear to qualify as special needs. As to issue 3 the petition indicates that approximately ½ of the money will be placed in an annuity that will pay \$319.24 per month for 15 years. Petition then says that the petitioner is 52 years old and has no other source of income or investments set aside for retirement. This does not appear to properly address the issue. **Counsel has filed a supplement.. The supplement is not verified by the petitioner. In the supplement the counsel submits a document alleged to be a copy of the petitioner’s S.S.I. statement. It is not verified. Counsel also submits a letter from a Dr. Foos, MD alleging that petitioner is a patient of his and that she suffers from schizophrenia. The letter is not verified. It would appear that neither document is admissible as currently presented.**
4. California Rules of Court Rule 7.903(c) sets forth the required provisions in a Special Needs Trust instrument:
“(c) **Required provisions in trust instruments** Except as provided in (d), unless the court otherwise orders for good cause shown, trust instruments for trusts funded by court order must:
(1) Not contain "no-contest" provisions;
(2) Prohibit modification or revocation without court approval;
(3) Clearly identify the trustee and any other person with authority to direct the trustee to make disbursements;
(4) Prohibit investments by the trustee other than those permitted under Probate Code section 2574;
(5) Require persons identified in (3) to post bond in the amount required under Probate Code section 2320 et seq.;
(6) Require the trustee to file accounts and reports for court approval in the manner and frequency required by Probate Code sections 1060 et seq. and 2620 et seq.;
(7) Require court approval of changes in trustees and a court order appointing any successor trustee; and
(8) Require compensation of the trustee, the members of any advisory committee, or the attorney for the trustee, to be in just and

reasonable amounts that must be fixed and allowed by the court. The instrument may provide for periodic payments of compensation on account, subject to the requirements of Probate Code section 2643 and rule 7.755.

5. The following concerns are noted by the examiner:
 - The court is to determine the amount of assets necessary to cover the special needs of the beneficiary. However, Article I section B indicates that there can be additions to the trust with the consent of the beneficiary. There is no indication that court consent needs to be obtained. **The supplement indicates that additions will be only with court consent. Proposed trust amendment is filed at exhibit C of supplement.**
 - Amount of bond required is not stated. **Bond now required by Article IV paragraph B. Court will have to determine amount of bond.**
 - Do not see any requirement for accountings to the court. **The supplement alleges that the trust has been amended to address the issues in the notes, but does not provide reference to the paragraphs wherein the corrections are made. The examiner does not see a paragraph requiring accountings.**
 - Article II Section B allows trustee to make expenditures even if it results in reduction of public benefits. This would seem to conflict with the stated intent of the Special Needs Trust. **This paragraph has been amended to state that distributions of trust assets for specific needs will be as permitted by Social Security Regulations.**
6. Court may wish to require the petitioner to submit her proposed trust to Department of Health Care Services for a recommendation on the validity and consequences of the proposed trust. **Counsel alleges that notice has been given to the Department of Health Care Services, but does not say that a copy of the trust has been submitted to the Department of Health Care Services for a recommendation on validity and consequences.**

RECOMMENDATION:

Court's discretion. If petition granted court will have to set future dates. Set hearing for accounting review for 7-28-09. Accounting to be filed 30 days in advance. Court may also wish to set bond in the amount of \$65,000. Court will need to determine if it wants the petitioner to file an inventory and appraisal. If so set a hearing date for 12-23-08 for proof of filing of the inventory and appraisal.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800325

CASE NAME: CATHERINE L. TANNER

HEARING:
Spousal Property Petition hearing.

COUNSEL:
MURRAY TANNER (PET)...LEE BROWN
CATHERINE L TANNER (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON spousal property petition.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the surviving spouse of the decedent. The decedent left all of her assets to the Tanner Family Trust with the exception, "I give to my husband, if he survives me, all of my personal automobiles, household furniture and furnishings, chinaware, silver, pictures, works of art, books, jewelry, clothing, and other tangle articles of a personal nature."
2. Petitioner and the decedent held a Smith Barney account in the name, "Murray Tanner and Catherine Tanner Community Property". Petitioner contends that the based on the quote from the will in paragraph 1 above the decedent willed him all personal property and, as money is personal property, the account is his under the will. The problem with this analysis is that no where in that statement from the will are money or brokerage accounts mentioned. The key words are ". . .and other tangle articles of a personal nature." As a general rule "articles of a person nature" refer to clothing and the like, not money. The intention of the transferor as expressed in the instrument controls the legal effect.

Pr.C. § 21102(a). The words are to be given their ordinary meaning unless the intention to use them in another fashion can be ascertained. Pr.C. § 21122.

3. There is no opposition in the file at the time of this review.

RECOMMENDATION:

Court's discretion.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800335

CASE NAME: EVELYN ACKROYD

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

EILEEN GROVE
EVELYN ACKROYD

(PET)...HOWARD R HAWKINS
(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and
no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Neither will, nor codicil are self proving. File proof of subscribing witness.
2. Several persons are listed in section 9 of the petition whose relationships
to the decedent are not stated. File verified supplement.
3. File proof of publication.

RECOMMENDATION:

Need to correct notes. If petition granted court will have to set future dates. Set
hearing for filing of inventory and appraisal for 12-23-08. Set hearing for filing of
status report and/or accounting for 7-28-09. Any accounting to be filed 30 days in
advance.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800338

CASE NAME: JOSEPH MOLLIS, SR.
SEE ALSO 15
HEARING:
Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:
PUBLIC ADMINISTRATOR (PET)...HORSPOOL & PARKER
JOSEPH MOLLIS SR (DEC)...

GENERAL INFORMATION special letters issued 4-15-08.

THIS CASE IS SET FOR HEARING ON Petition to administer, with full I.A.E.A.
authority and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioner is the Public Administrator, as such, no bond is required.
2. File proof of publication.

RECOMMENDATION:

Need to correct note 2. If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 12-23-08. Set hearing for filing of status report and/or accounting for 7-28-09. Any accounting to be filed 30 days in advance.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800339

CASE NAME: JOSEPH MOLLIS, JR.
SEE ALSO 14
HEARING:
Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:
PUBLIC ADMINISTRATOR (PET)...HORSPOOL & PARKER
JOSEPH MOLLIS JR (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition to administer, with full I.A.E.A. authority and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the Public Administrator, as such, no bond is required.
2. File proof of publication.

RECOMMENDATION:

Need to correct note 2. If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 12-23-08. Set hearing for filing of status report and/or accounting for 7-28-09. Any accounting to be filed 30 days in advance.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800347

CASE NAME: ELEANOR LOUISE PALMER

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

LORI LENORE PALMER (PET)...PRO/PER
ELEANOR LOUISE PALMER (DEC)...

GENERAL INFORMATION Temporary orders denied

THIS CASE IS SET FOR HEARING ON Petition to administer, with full I.A.E.A.
authority and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Need waiver of bond from Mary Margaret Rico or set bond in the amount of \$156,000.
2. File proof of publication.
3. File notice of petition to administer estate.

RECOMMENDATION:

Need to correct notes. If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 12-23-08. Set hearing for filing of status report and/or accounting for 7-28-09. Any accounting to be filed 30 days in advance.

NMT

CIVCAL4 Superior Court - Redlands - Probate

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800349

CASE NAME: MTR OF JUDITH P KERR

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

TIMOTHY KERR
JUDITH P KERR

(PET)...DAVID M GROSSMAN
(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will is not self proving. File proof of subscribing witness.
2. File proof of publication.
3. Will waives bond.

RECOMMENDATION:

Need to correct notes. If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 12-23-08. Set hearing for filing of accounting and/or status report for 7-28-09. Any accounting to be filed 30 days in advance.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800351

CASE NAME: RONNIE STEVEN AYALA

HEARING:
Spousal Property Petition hearing.

COUNSEL:
TRACY AYALA (PET)...MEDEIROS & ASSOCIATES
RONNIE STEVEN AYALA (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON spousal property petition.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Section 7 of the petition not completed. File verified supplement.
2. How is title held on the property in question? If held as separate property, explain why, and on what legal basis the assets are community? File verified supplement.
3. There are 2 minors. Did court wish to appoint a Guardian ad litem for the minors?

RECOMMENDATION:
Need to correct notes 1 and 2. Need court's ruling on 3.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 9:00 DEPT: E1

CASE #: RC RS00536

CASE NAME: MICHAEL M MORETTA

SEE ALSO 20

HEARING:

Hearing Re: Drafting of special needs trust.

COUNSEL:

PENELOPE WILLIAMS (PET)...MARGARET HELEN ARTER

MICHAEL MORETTA (PCE)...CHRISTINA FERRANTE

KENNETH ALLISON (CTE)...

GENERAL INFORMATION Continued from 3-20-08.

THIS CASE IS SET FOR HEARING ON drafting of Special Needs Trust

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Review of the Registry of Actions does not reveal that any petition to draft a Special Needs Trust has been filed.

RECOMMENDATION:

Matter should go off calendar.

GLS/NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 9:00 DEPT: E1

CASE #: RC RS00536

CASE NAME: MICHAEL M MORETTA
SEE ALSO 19
HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
PENELOPE WILLIAMS (PET)...MARGARET HELEN ARTER
MICHAEL MORETTA (PCE)...CHRISTINA FERRANTE
KENNETH ALLISON (CTE)...

GENERAL INFORMATION: **Continued from 3-20-08. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON filing Inventory and Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Final Inventory is filed, however, need proof of service of Inventory
& Appraisal including Instructions for Objection per Pr.C.§2610.

RECOMMENDATION:
Need to clear notes.
(GLS/NMT)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02405

CASE NAME: MICHAEL ROBERT DEVORIA

HEARING:
Hearing re Final Discharge

COUNSEL:
RANDY DEVORIA (PET)...THOMAS V PRATT
MICHAEL ROBERT DEVORIA (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file order after hearing on first and final.
2. Need to file receipts.
3. Need to file exparte petition for final discharge.

RECOMMENDATION:

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505. There is no bonding company to notice.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02821

CASE NAME: PAMELA MORETTA

HEARING:
Accounting Review

COUNSEL:
PENELOPE WILLIAMS (PET)...MARGARET HELEN ARTER
PAMELA MORETTA (DEC)...

GENERAL INFORMATION:
Letters of Administration issued 1/19/07 (limited authority, no bond)
Continued from 3-18-08. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Accounting Review/Status Report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. No accounting or status report is filed.

RECOMMENDATION:
When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq. There is no bonding company to notice.
(GLS/NMT)

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 9:00 DEPT: E1

CASE #: SPASS4945

CASE NAME: ESTATE OF NELLY PAVIA

HEARING:

FIRST AND FINAL Account and Report of PUBLIC ADMINISTRATOR and
Petition for allowance of fees filed.

COUNSEL:

PUBLIC ADMINISTRATOR (PET)...GRESHAM SAVAGE NOLAN &
TILDEN

NELLY PAVIA (DEC)...

FREDERICK J SEYMOUR (SPA)...SACKS GLAZIER FRANKLIN &
LODIS

DEPT. OF HEALTH SERVICES (TP)...PRO/PER

CAROLINE ROLLAND LEBOURG (HARTNELL LISTER & MOORE
)...HARTNELL

LAURENT ALEXANDRE (HARTNELL HORSPOOL & FOX
)...HARTNELL

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON first and final account and report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Estate has been open since 12-10-03. Decedent died on 12-2-01.
2. Department of Health Care Services has a claim "pending" against the estate. It is not clear what the term "pending" means. Was the claim allowed or rejected? It is clear that it has not been paid. File a verified supplement discussing whether claim has been allowed or rejected.
3. Petitioner requests authority to withhold \$6,500 in closing costs.
4. On 7-30-07 the court entered an order of priority of debts. Expenses, fees and costs are to be paid and then State of California via the Department of

Health Care Services is to be paid. Petitioner requests distribution in accord with the court's prior ruling.

5. Statutory fees are \$4,471.38.
6. Petitioner requests extra-ordinary fees of \$360. Attorney requests extra-ordinary fees of \$8,636.50. The court will generally not consider awarding extra-ordinary fees until the executor and/or counsel establish that all ordinary fees have actually been earned. (*In re Walker's Estate* (1963) 221 Cal. App. 2d 792). Judge to decide.
7. Fees in relationship to the special administration were already approved on 3-3-03 in the amount of \$19,924.66.
8. Copies of investment account statements verifying the balance of cash or securities shall be filed with all inventories and/or accountings. Please file those documents. Local Rules of Court, Rule 20-908.
9. There are no objections in the file at the time of this review.

RECOMMENDATION:

Need to correct notes. If petition granted court will have to set future dates. Set hearing for filing of receipts and discharge for 5-26-09.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 9:00 DEPT: E1

CASE #: SPASS5009

CASE NAME: ESTATE OF LUCY BLACKWOOD

HEARING:
Petition for TO DETERMINE HEIRSHIP

COUNSEL:
PUBLIC ADMINISTRATOR (PET)...CRAIG M PARKER
LUCY BLACKWOOD (DEC)...
STELLA KELLY (PET)...SNYDER & HANCOCK
TOM MOON (TP)...LAYNE A BARTHOLOMEW

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition to determine heirship.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. The petitioner fails to set forth in the caption what code section petitioner is petitioning under, as is required by Local Rules of Court, Rule 20-601. As it is not set forth in the caption it can only be speculated as to what section we are proceeding under. Petitioner may be proceeding under Pr.C. § 248 or 11700, or some other section. Until it is known what section petitioner is petitioning under the requirements for the petition cannot be determined. Please file verified supplement advising the court of code section under which petitioner is proceeding.

RECOMMENDATION:
Require verified supplement.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS02162

CASE NAME: IN THE ESTATE OF WILBUR F CURTIS

HEARING:

SECOND AND FINAL Account and Report of PUBLIC ADMINISTRATOR
and
Petition for allowance of fees filed.

COUNSEL:

WILBUR F CURTIS (DEC)...
SANDRA HOLTRY (TP)...ANNIE

GENERAL INFORMATION Decedent died 12-31-90. Petitioner was appointed 12-16-96.

Continued from 2-26-08 to take care of IRS claim. Nothing new filed.

THIS CASE IS SET FOR HEARING ON second and final accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. There were specific bequests that cannot be made due to the fact that assets no longer exist and estate is insolvent.
2. Statutory fees are \$4,472.90. Petitioner and counsel have already been authorized to pay themselves \$3,191.54 of that amount each.
3. Petitioner requests extra-ordinary fees in the amount of \$1,440. Petitioner has previously been awarded extra-ordinary fees in the amount of \$22,000. Petitioner's attorney has previously been awarded \$154,231.50 in extra-ordinary fees.
4. Petitioner requests authority to withhold \$12,000 for closing costs.
5. There were creditor's claims filed before this petitioner took over. This petitioner indicates that no action was taken on these claims, but later says that all claims have been paid.
6. In later paragraphs the petitioner alleges that the debts of the estate cannot be paid as the estate is insolvent. There is \$51,262.31 in assets

remaining. None of the extra-ordinary fees have been paid. There is an IRS claim of \$19,624.89. Petitioner alleges that a release of that claim will be filed prior to hearing. It has not been filed to date. At any rate, it would appear that none of the claims have been paid with the possible exception of the IRS claim. Petitioner proposes to pay 14% of the remaining assets to petitioner and 86% to petitioner's attorney, with no fees being paid to any other administrator or their attorney. As to the reserve, after payment of any closing costs they are to be paid 15% to petitioner and 85% to petitioner's attorney. No further claims will be paid.

7. There are no objections in the file at the time of this review.

RECOMMENDATION:

Court's discretion. If petition granted court will have to set future dates. Set hearing for filing of receipts and discharge for 5-26-09.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS06337

CASE NAME: ESTATE OF MANUEL E CHAGOLLA SR

HEARING:
Hearing re Final Discharge

COUNSEL:
MANUEL CHAGOLLA JR (PET)...PRO/PER
MANUEL E CHAGOLLA SR (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner has not submitted an order after hearing on the first and final petition. Submit order after hearing.
2. Petitioner has not submitted receipts.
3. Petitioner has submitted an improperly completed exparte petition for final discharge. It was submitted without the receipts and has documents attached. Nothing may appear after the judge's signature.

RECOMMENDATION:

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505. There is no bonding company to notice.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS07201

CASE NAME: ESTATE OF JANET FUZAK

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

ARTHUR W. FUZAK (PET)...CAROL L. GILLAM
JANET FUZAK (DEC)...

GENERAL INFORMATION **Continued from 10-1-07. Nothing new filed.**
Continued from 12-4-07. Nothing new filed.
Continued from 2-19-08 to file inventory and appraisal. Nothing new filed.
Continued from 4-1-08. No one appeared. Clerk has given notice. Nothing new filed.

THIS CASE IS SET FOR HEARING ON
Hearing re I&A.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Probate petition granted 3/26/07, no bond.
2. No I&A filed. Need same.
3. When filed will need proof of service of a copy of the inventory and appraisal on the person requesting special notice.

RECOMMENDATION

When an inventory and appraisal is not filed as ordered, the court may set hearing in accord with Pr. C. §§ 8804 and/or 8505. There is no bonding company to notice.

Future Date: 6/2/08 Accounting Review.
NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 9:00 DEPT: E1

CASE #: VPRVS002819

CASE NAME: ESTATE OF SHIRLEY A BIRES

HEARING:

FIRST Account and Report of ED BIRES and Petition for allowance
of fees filed.

COUNSEL:

ED BIRES	(PET)...	SANTIAGO, RODNUNSKY & JONES
SHIRLEY A BIRES	(DEC)...	
DEBBIE BIRES	(OBJ)...	
HEIR BUYOUT COMPANY	()...

GENERAL INFORMATION:

**Continued from 6/6/07 and 8/8/07 at request of counsel to file a status re
sale of property.**

**Continued from 12-11-07. Court continued matter rather than either
approving or disapproving the accounting. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON 1st account and report of administration

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED-

1. Petitioner submits an accounting showing the estate consists of one lot of real property. However, the petition does not state why the estate is not in a condition to be closed, what steps have been taken to close the estate or the approximate time petitioner still needs in order to close the estate (Pr.C. §12201(a)). File verified supplement.
Another First account and report filed indicating that the real property must be sold and has been listed with a Realtor. Petitioner still does not give an estimated time needed in order to close the estate.

RECOMMENDATION:

Court continued first account without ever approving or denying request for approval of accounting. As the accounting consisted of nothing more than listing real property assets it would appear with no expenditures it would appear appropriate to approve that matter and then set matter for another accounting and/or status report. The second report would normally have been due 12-8-07. Here the petitioner filed 2 first accountings. Neither varies much from the other. Suggest the court set an accounting review for 12-9-08.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH CONSERVATORSHIPS

DATE: 05/20/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0700145

CASE NAME: THELMA JEAN GREENE

HEARING:
Petition for TO CLOSE CONSERVATORSHIP DUE TO DEATH OF
CONSERVATEE

COUNSEL:
PAMELA LEE GREENE (CPE)...CHRISTINA FERRANTE
THELMA JEAN GREENE (CEP)...MITCHELL I ROTH

GENERAL INFORMATION No file available for review.

FILE OUT 4-22

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 10:30 DEPT: E1

CASE #: PROPS0800089

CASE NAME: CONSTANCE R. HEINZE

HEARING:

Hearing Re: Will Contest by Robin Lis and Roxanne Trimble.

COUNSEL:

TIMOTHY D. HEINZE (PET)...WALTER T MOORE
CONSTANCE R. HEINZE (DEC)...
RONALD ERNEST HEINZE (TP)...PRENOVOST NORMANDIN
BERGH & DA
ROBIN LIS (HORSPOOL & PARKER)...HORSPOOL
ROXANNE TRIMBLE (HORSPOOL & PARKER
)...HORSPOOL

GENERAL INFORMATION No file available for review.

FILE OUT 5-1

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 10:30 DEPT: E1

CASE #: RC RS00490

CASE NAME: MICHAEL DAVID MENDOZA

HEARING:
Petition for Appointment of Conservator

COUNSEL:
MICHAEL J MENDOZA (PET)...PRO/PER
MICHAEL DAVID MENDOZA (PCE)...DONNASUE SMITH-ORTIZ
COURT INVESTIGATOR OFFICE (AGN)...
KATHLYN A. GUTIERREZ (MOT)...LAMB MORRIS & LOBELLO

GENERAL INFORMATION:

**Continued from 7/3/07 and 8/22/07 at request of counsel.
Continued from 11-7-07. At the time of the 11-7 hearing Attorney Smith-Ortiz gave an oral report. Thereafter matter was continued. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON petition for appointment of co-conservatorship person only.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The petition for conservatorship was granted on 6-22-04. The current Conservator has not been removed. Petitioner, Kathlyn Gutierrez, is the mother of the Conservatee and there appears to have been a very contentious dispute concerning current petitioner's contact with the Conservatee. The court awarded petitioner herein visitation with the Conservatee. Petitioner has now applied to be co-Conservator. There is no vacancy in office of Conservator at this time. There is no consent in the file from the current Conservator to allow the appointment of a co-Conservator.

2. Petitioner has requested medical powers. Did court want an updated capacity declaration?
3. Court Investigator report filed in support.
4. Conservatee is developmentally disabled. Court may wish to obtain an Inland Regional Center report re this petitioner. **There is an updated report from Inland Regional Center. Court needs to review.**
5. File certificate of assignment.

RECOMMENDATION:

Need to clear notes.

/NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 10:30 DEPT: E1

CASE #: RC RS00589

CASE NAME: LOUIS DIBELLO

HEARING:
Hearing Re: Status.

COUNSEL:
CHRISTOPHER VIZZINI (CPE)...WALTER T MOORE
LOUIS DIBELLO (CEP)...PATRICIA A LOBELLO
GLORIA ZEEDYK (PCR)...
DERK ZEEDYK (PCR)...
LINDA MAXWELL (SC)...MAUREEN MURATORE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON status.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Matter on for status. No notes.

RECOMMENDATION:
None.

FUTURE HEARINGS CURRENTLY SET: 8-7-08 for accounting review.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 10:30 DEPT: E1

CASE #: RC RS00607

CASE NAME: BETTY MAY SLOAN
SEE ALSO 34 35 35A

HEARING:
Hearing Re: Proof of additional bond.

COUNSEL:
LORRAINE MORRIS. (PET)...BROCK LAW OFFICE
BETTY MAE SLOAN (CEE)...MAUREEN MURATORE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON proof of additional bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. On 4-1-08 the court ordered petitioner to secure additional bond in the amount of \$72,000 for a total bond of \$92,000.
2. No additional bond filed to date.

RECOMMENDATION:
Court's discretion.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 10:30 DEPT: E1

CASE #: RC RS00607

CASE NAME: BETTY MAY SLOAN
SEE ALSO 33 35 35A
HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
LORRAINE MORRIS. (PET)...BROCK LAW OFFICE
BETTY MAE SLOAN (CEE)...MAUREEN MURATORE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has been filed. However, the inventory and appraisal is unclear. Attachment 1 says that the assets are "100% interest in the Estate of Richard D. Dickman \$92,073.70". Is this cash? Was it in the possession of the Conservatee on the date of the creation of the conservatorship or was it a mere expectancy? File verified supplement.
2. File proof of service of a copy of the inventory and appraisal and instructions on how to object per Pr.C. § 2610.

RECOMMENDATION:
Need to correct notes.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 10:30 DEPT: E1

CASE #: RC RS00607

CASE NAME: BETTY MAY SLOAN
SEE ALSO 33 34 35A
HEARING:
Accounting Review

COUNSEL:
LORRAINE MORRIS. (PET)...BROCK LAW OFFICE
BETTY MAE SLOAN (CEE)...MAUREEN MURATORE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Accounting filed. See next page on this calendar.

RECOMMENDATION:
Matter may go off calendar.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 10:30 DEPT: E1

CASE #: RC RS00607

CASE NAME: BETTY MAY SLOAN
SEE ALSO 33 34 35A
HEARING:
Accounting

COUNSEL:
LORRAINE MORRIS. (PET)...BROCK LAW OFFICE
BETTY MAE SLOAN (CEE)...MAUREEN MURATORE

**NOTE TO COURT: NEED TO CLEAR UP ISSUE ON INVENTORY AND
APPRAISAL BEFORE PROCEEDING WITH ACCOUNTING.**

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON FIRST ACCOUNTING

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Assets of this estate are under \$500,000, there is no income from real property and no interest in trade or business, petitioner has used the simplified method of reporting in that receipts and disbursements are not categorized. As the simplified method has been used petitioner must use forms GC400(SUM), GC405(A) and GC405(C). Please file amended accounting using the proper forms.
2. Petitioner has filed photocopies of bank statements. Original bank statements are required for the balance immediately preceding the establishment of the conservatorship and the bank statement supporting the assets on hand at the close of the accounting period. Please file those original documents. Pr.C. § 2620.
3. The Conservatee inherited money from an estate. Prior to collecting the money from the estate the Conservator advanced funds to the Conservatee to cover Conservatee's expenses. The accounting is

somewhat confusing. Petitioner says at page 3, lines 1-16, that all pension checks are included in Schedule A including the ones used by Conservator to reimburse herself for bills. Petitioner says Schedule C includes all disbursements made by the Conservator from her own personal funds. Petitioner alleges that Exhibit 2 shows petitioner using her own funds and the pension checks. It is also alleged to show reimbursements to herself for money that she advanced. Petitioner contends that she is still owed \$2,948.36. However, when looking at the schedules and exhibits mentioned it cannot be determined whose money was used for each item and which items are reimbursements. Please file clarification.

4. Amount of bond filed is currently inadequate. Petitioner requests an increase in bond. Court has already ordered that bond be increased. See page 33 of this calendar.
5. Conservator is the daughter of the Conservatee. Conservator requests fees of \$1,134 representing 32.4 hours at \$35 per hour. Amount is generally itemized and appears to be charges for only actual Conservator duties. See Exhibit 5. Judge to decide.
6. Attorney requests fees of \$10,609.75 representing 45.7 hours at \$225 per hour and 1.87 hours at \$175 per hour. Who is DT on the time sheet and what is their capacity in the attorney's office? File verified supplement.
7. File notice of hearing and proof of service on all interested parties, including copy of petition to Conservatee.

RECOMMENDATION:

Cannot really evaluate accounting until amended accounting is filed and notes clarified.

NMT.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 10:30 DEPT: E1

CASE #: RC RS00615

CASE NAME: GRACE MARIE BRIGGS
SEE ALSO 37
HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
JULIE LYNN CHUNG (PET)...MARIELLEN ROSS
GRAGE MARIE BRIGGS (CEE)...DONNASUE SMITH-ORTIZ

GENERAL INFORMATION

Continued from 8-14-07 at request of counsel. Nothing new filed.

Continued from 9-25-07. Nothing new filed.

Continued from 12/4/07 at request of counsel to file final I&A. Nothing new filed.

Continued from 1-29-08. Court ordered petitioner to file a written report re inventory and appraisal. Nothing new filed.

Continued from 2-19-08. Nothing new filed on this issue.

Continue from 4-1-08. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Partial No. 1 is filed. Need final inventory.
2. Need proof of service of inventory including proof of service of instructions for objection to inventory & appraisal per Pr.C.§2610.
3. Last Court Investigator report dated 11/21/06. Need Court Investigator's report per Pr.C. §1850

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, the court may set a hearing in accord with Pr.C. § 2614.5 (Conservator or Guardian). Clerk will have to notice bonding company.

Future hearing dates: accounting review 2/19/08
(KRA/NMT).

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/20/08 TIME: 10:30 DEPT: E1

CASE #: RC RS00615

CASE NAME: GRACE MARIE BRIGGS
SEE ALSO 36

HEARING:

FIRST CURRENT Account and Report of JULIE LYNN CHUNG and
Petition for allowance of fees filed.

COUNSEL:

JULIE LYNN CHUNG (PET)...MARIELLEN ROSS
GRACE MARIE BRIGGS (CEE)...DONNASUE SMITH-ORTIZ

GENERAL INFORMATION accounting covers 12-15-06 through 11-30-07
Assets: \$77,783.96 Cash

Continued from 4-1-08. Nothing new filed.

THIS CASE IS SET FOR HEARING ON first account and report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioner requests authority to pay Attorney Ross fees of \$2,250 representing 10.2 hours at \$250 per hour plus costs of \$350. (Incorrectly stated at page 2, line 23 of the petition as 20 hours.) Petitioner has paid Attorney Ross \$1,500 from her personal funds leaving a balance due of \$1,100. Petitioner requests authority to reimburse herself \$1,500. Attorney fees are itemized.
2. Petitioner paid Arizona attorney \$5,024.50 to pursue litigation concerning a Revocable Living Trust Agreement wherein assets of the Conservatee were held by another. Amount is itemized. What was the outcome of the litigation? Judge to decide if expenditure was appropriate.
3. There are assets listed in this petition that are not listed in any inventory and appraisal. Before this accounting can be properly analyzed the final inventory and appraisal needs to be filed. See matter on preceding page.
4. Need notice of hearing and proof of service for Veteran's Administration.
5. Need original bank statements. Petitioner has provided only copies.

RECOMMENDATION:

Need to correct notes before matter can proceed.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN PROBATE

DATE: 05/20/08 TIME: 9:00 DEPT: E2

CASE #: MPRMS01568

CASE NAME: ESTATE OF BETTY DIANNE RAUB

HEARING:
Hearing Re: Receipts and Final Discharge.

COUNSEL:
CHARLES W CAMPBELL (PET)...D M DAVIS
BETTY DIANNE RAUB (DEC)...

GENERAL INFORMATION:
Order for Final Distribution granted 4/10/07
**Continued from 4-15-08. Petitioner filed an exparte final discharge order,
but it was rejected. Need properly completed final discharge order.**

THIS CASE IS SET FOR HEARING ON filing receipts and disbursements

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Receipts are filed.
2. Need to submit final discharge declaration/order.

RECOMMENDATION:
Find out status.
(GLS/NMT)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0600310

CASE NAME: JOSEPH S. ILETO

HEARING:
Accounting Review

	COUNSEL:
LILIAN S ILETO	(PET)...ORREN & ORREN
JOSEPH S ILETO	(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting/ status report has been filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050. Clerk will have to notice bonding company.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0600316

CASE NAME: KATHERINE RODRIGUEZ

HEARING:
Hearing Re: STATUS.

COUNSEL:
CHRISTINA FERRANTE (PET)...PRO
SISSIE BARKER (PET)...PRO/PER
KATHERINE RODRIGUEZ (DEC)...

GENERAL INFORMATION **Continued from 4-1-08. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON status

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 1-15-08 the court modified the orders to show that all assets were to be placed in a blocked account. Court ordered Ms. Ferrante to file modified orders. Modified orders were filed on 2-22-08.
2. Court ordered probate referee to appraise the house. Do not see inventory and appraisal.
3. Court ordered that an update of the guardianship of the minor beneficiaries be provided to the court. There was to be a hearing on 4-21-08 in Rancho.

RECOMMENDATION:
Determine status.

NMT

FUTURE HEARINGS CURRENTLY SET: 7-8-08 for accounting review.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700418

CASE NAME: DAGOVERTO MARTINEZ CEBALLOS

HEARING:

Report Sale and Petition for Order Confirming Sale of Real
Property.

COUNSEL:

MARCUS CEBALLOS (PET)...DAVID M GROSSMAN
DAGOVERTO MARTINEZ CEBALLOS (DEC)...

Address	1901 South Benson, Ontario No APN# provided.
Appraised value	Need reappraisal for sale.
Sale price	\$200,000 Not within 90% of the current appraised value. Unless reappraisal significantly reduces value sale is not permissible.
First overbid	\$210,500
Deposit	None listed. Must be at least \$20,000
Commission	None
Additional bond	None
Reason for sale	None listed.
Exposure to market	None. Buyer already owns 55% of the property. Petitioner alleges that attempting to sell 45% would have been too difficult.

Notice

**File notice of hearing and proof of service on
buyer. File proof of publication**

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700526

CASE NAME: MTR OF CRYSTAL B LINDBLAD

HEARING:

Petition for FOR ORDER CONFIRMING ESTATE'S INTEREST IN REAL
PROPERTY

COUNSEL:

CARRIE D REAY (PET)...JULIA
CRYSTAL B LINDBLAD (DEC)...

GENERAL INFORMATION **Continued from 2-5-08 to allow counsel to file deed and explanation of adverse possession issue and title. Court indicated that personal service was needed on all persons claiming an interest in the property. Nothing new filed.**

Continued from 4-8-08 at request of counsel. Court ordered that all interested persons must be personally served. We still have no notice on Samuel Tadlock, Jr. and substituted service on Shelly Tadlock.

THIS CASE IS SET FOR HEARING ON petition to confirm estate's interest in real property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner brings the instant action pursuant to Pr.C. § 850(a)(2)(D). Petitioner alleges that the decedent's predeceased spouse held title to certain real property as his sole and separate property prior to their marriage in 1-86. The predeceased spouse died in 9-86. Decedent herein died in 11-01. Petitioner alleges that the decedent and her predeceased spouse intended to treat the property as community property and that it should be treated as such. If the court is not inclined to find that the property is community property then petitioner alleges that the decedent gained title to the property by adverse possession, in that the decedent lived in the property and treated it as her own from 1986 until shortly

- before her death. Petitioner alleges that all of the elements of adverse possession exist in this case.
2. File proof of personal service on all persons claiming an interest in the property **See note under general information re notice.**
 3. Petitioner does not indicate who holds the current title to the property. It is assumed that the property was never taken out of the name of the predeceased spouse, but the petition doesn't actually say that. File verified supplement. **Per supplement title is held in the name of Russell E. Daugherty as his sole and separate property.**
 4. There is no opposition in the file at the time of this review.

RECOMMENDATION:

Court will need to determine notice issue under GENERAL INFORMATION above. Then court's discretion.

Court never set a hearing date for the filing of an inventory and appraisal or for accounting review. Suggest court set dates at this time. Set hearing for filing of inventory and appraisal for 8-19-08. Set hearing for filing of accounting and/or status report for 6-16-09. Any accounting to be filed 30 days in advance.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700622

CASE NAME: FREDERICK WILLIAM BAILEY JR

HEARING:
OSC re: Blocked Account

COUNSEL:
MARJORIE L ALLBRIGHT (PET)...WILLIAM M BAKER
FREDERICK WILLIAM BAILEY JR (DEC)...
BRYAN C HARTNELL (TP)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON O.S.C. re blocked account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. On 4-8-08 the court ordered that the petitioner place \$251,374.58 into a blocked account and show proof of deposit to the court. No proof filed.
2. Court further ordered that proof of service be given to Bryan Hartnell. No proof filed.

RECOMMENDATION:
Court's discretion.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700716

CASE NAME: JEAN S WILLIAMS

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
CHRISTINA K SALAZAR (PET)...DILL AND SHOWLER
JEAN S WILLIAMS (DEC)...

GENERAL INFORMATION **Continued from 3-18-08. Nothing new filed on this issue.**

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No inventory and appraisal filed.

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, the court may set a hearing in accord with Pr.C. §§ 8804 and/or 8505. There is no bonding company to notice.

NMT

FUTURE HEARINGS CURRENTLY SET: 11-18-08 for accounting review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700924

CASE NAME: BRADLEY ALLAN MILLER

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
ANDREW KUNZ (PET)...DENHERDER & ASSOCIATES
BRADLEY ALLAN MILLER (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. No inventory and appraisal filed.

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, the court may set a hearing in accord with Pr.C. §§ 8804 and/or 8505. There is no bonding company to notice.

NMT

FUTURE HEARINGS CURRENTLY SET: 1-13-09 for accounting review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700926

CASE NAME: VIRGINIA ROSE WISE
SEE ALSO 10
HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
PEGGY SUZANN WISE (PET)...ELISABETH KEMPE-OLINGER
VIRGINIA ROSE WISE (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. The inventory and appraisal has been filed.

RECOMMENDATION:
Matter may go off calendar.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700926

CASE NAME: VIRGINIA ROSE WISE
SEE ALSO 9
HEARING:
WAVIER OF Account and Report of PEGGY SUZANN WISE and Petition
for allowance of fees filed.

COUNSEL:
PEGGY SUZANN WISE (PET)...ELISABETH KEMPE-OLINGER
VIRGINIA ROSE WISE (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON first and final report on waiver of
account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioner has paid Graduated Filing Fees, but has not requested a refund.
Any request for refund must be in writing and accompanied by an order for
court's signature.
2. Statutory fees are \$9,278.33. Petitioner waives fees.
3. Sole heir waives accounting

RECOMMENDATION:
Recommended for approval absent objection. Set hearing for filing of receipts
and discharge for 5-26-09.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700940

CASE NAME: JAMES BRANDT HOFFMAN

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
JONATHON P. HOFFMAN (PET)...JEFFERY P. BOYKIN
JAMES BRANDT HOFFMAN (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. No inventory and appraisal filed.

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, the court may set a hearing in accord with Pr.C. §§ 8804 and/or 8505. Clerk will have to notice the bonding company.

NMT

FUTURE HEARINGS CURRENTLY SET: 1-13-09 for accounting review.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800150

CASE NAME: ANN ELLEN KRAGE

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

CHARITY PEARCE	(PET)...D STEPHEN MONSON
ANN ELLEN KRAGE	(DEC)...
DAVID LARKIN KING	(TP)...PRO/PER

GENERAL INFORMATION **Continued from 4-8-08 to clear note 2. Note 2 has been cleared.**

THIS CASE SET FOR HEARING ON Petition for Probate Letters Testamentary
with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Will waives bond

RECOMMENDATION

Recommended for approval absent objection. Set hearing re Inventory &
Appraisal for 12-23-08. Set accounting review for 7-28-09. Accounting to be
filed 30 days prior. Note Local Rule re filing of bank/investment statements.

(cbr/NMT)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800326

CASE NAME: RONALD M. COX

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:
BRIAN E. COX (PET)...LINDA J GLADSON
RONALD M COX (DEC)...

GENERAL INFORMATION special letters issued 4-9-08. No bond required.

THIS CASE IS SET FOR HEARING ON Petition to administer, with full I.A.E.A.
authority and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. File proof of publication.
2. All heirs waive bond. Petitioner is a California resident.

RECOMMENDATION:

Need to correct note 1. If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 12-23-08. Set hearing for filing of accounting and/or status report for 7-28-09. Any accounting to be filed 30 days in advance.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800330

CASE NAME: EMILIO SENDOYA

HEARING:
Petition for Letters of Admin. W/ Full Authority under IAEA.

	COUNSEL:
SOFIA SENDOYA	(PET)...PRO/PER
EMILIO SENDOYA	(DEC)...

GENERAL INFORMATION No file available for review.
FILE OUT TO DPT 4/15 RE FEE WVR

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800348

CASE NAME: MAX MASTERS

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

ALICIA COWAN	(PET)...EPHRON AND BARENHOLTZ
LINDA MCCALL	(PET)...EPHRON AND BARENHOLTZ
MAX MASTERS	(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and
no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Will waives bond. However, petitioners are not residents of California. The court will not consider waiving bond in the absence of a waiver by all beneficiaries and then court may set at least a minimum bond. Assets are \$101,389.96. Judge to decide.
2. Ella Mae Masters is listed in the will, but is not on attachment 9.
3. Need either a declaration as to the death or incapacity of Ella Mae Masters or a declination to act as executor.
4. File proof of publication.
5. File notice of petition to administer estate.

RECOMMENDATION:

Need to correct notes. Need court's ruling on bond. If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 12-23-08. Set hearing for filing of accounting and/or status report for 7-28-09. Any accounting to be filed 30 days in advance.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800352

CASE NAME: MTR OF JOANNE M LINDSEY

HEARING:
Petition to determine succession to Real Property

COUNSEL:
RICHARD DALE LINDSEY (PET)...PRO/PER
JOANNE M LINDSEY (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition to determine succession to real property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the surviving spouse of the decedent. The property in question was apparently the separate property of the decedent. Petitioner is attempting to claim 1/3 interest in the property. The will that has been filed shows that the assets were to go into a trust. Need to see schedule A of the trust to determine if the trust is a valid trust. If there is a valid trust petitioner can petition as the trustee of the trust, but not in his individual capacity. If the trust is invalid and there is no residuary beneficiary in the will, the property would go by intestate succession. All persons who would be entitled to a portion of the property must petition. If they do not all petition the petition cannot be granted.
2. File notice of hearing and proof of service.

RECOMMENDATION:
Require schedule A of the trust to be filed. Require proper notice.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02064

CASE NAME: ROGELIO GONZALEZ TRUST

HEARING:
Hearing Re: Status.

COUNSEL:

UNITED CALIFORNIA BANK (TEE)...JEROLD V GOLDSTEIN

GENERAL INFORMATION No file available for review.

FILE OUT 5-6 FOR 4TH ACCT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02690

CASE NAME: MARCO ANTONIO MIRANDA
SEE ALSO 19 20 21

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
MARCO ANTONIO MIRANDA (DEC)...

GENERAL INFORMATION **Continued from 3-4-08 at request of counsel.**
Counsel advised that this is a no asset estate. Court advised counsel to file the appropriate petition.
Continued from 4-8-08. Court's ruling on this matter will depend on court's ruling on the matter on page 20 of this calendar.

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No inventory and appraisal

RECOMMENDATION:
See pages below

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02690

CASE NAME: MARCO ANTONIO MIRANDA
SEE ALSO 18 20 21

HEARING:
OSC re: Removal

COUNSEL:
MARCO ANTONIO MIRANDA (DEC)...

GENERAL INFORMATION

Continued from 8/15/06. Status report/accounting and /or objections to be filed 30 days prior to next hearing.

Continued from 12-5-06. At the time of the 12-5 hearing the court ordered that the bond premium be paid and that a written status report be filed prior to the next hearing. Court then set O.S.C. re removal hearing for 2-20-07, as well as a continuance of this hearing. A status report has now been filed.

Continued from 2/20/07 at request of counsel to file accounting or status report. Counsel has filed a declaration. See below.

Last continued from 4/17/07 and 10/16/07. On 4/17/07, Counsel advises there is pending mediation in the civil litigation. Nothing new filed.

Continued from 1-15-08. Neither petitioner nor counsel appeared at the time of the hearing. Court issued a citation and ordered it personally served. We are awaiting return of citation.

Continued from 3-4-08 at request of counsel. Counsel advised that this is a no asset estate. Court advised counsel to file the appropriate petition.

Continued from 4-8-08. Court's ruling on this matter will depend on court's ruling on the matter on page 20 of this calendar.

THIS CASE IS SET FOR HEARING ON OSC re removal for failure to file an accounting or status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The petitioner has never filed a proper inventory and appraisal in this case in that the inventory was not appraised by the probate referee as required. The matter was supposed to be on calendar for an O.S.C. re failure to file proper documents and failure to appear on 5-23-06. There is no minute order for that date so it would appear that it never happened.
2. A status report was filed on 12-21-06. The report indicates that there is ongoing litigation concerning estate assets. On 2/21/07, petitioner's counsel filed a declaration stating that it has been difficult to get a value for the real property or business, that civil litigation has been undertaken and depositions have been taken, that appraisals are in process, and that petitioner requested a 90 day continuance. **On 2/15/08, petitioner's counsel filed a declaration stating that the matter has been resolved among family members via mediation, that there are no assets of the estate, and that the probate should be dismissed. Suggest court require a formal petition to terminate administration for lack of assets per Pr.C. 12251.**
3. Court ordered that proper notice be given. File notice of hearing and proof of service in accord with Pr.C. § 12201. Whenever a status report is filed without an accounting notice must indicate a right to an accounting in accord with Pr.C. § 10950. This form of notice is mandatory. The notice filed does not contain the necessary wording.

RECOMMENDATION:

Court's discretion.

(/GLS/NMT)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02690

CASE NAME: MARCO ANTONIO MIRANDA
SEE ALSO 18 19 21

HEARING:
Petition for TERMINATION OF FURTHER PROCEEDINGS AND
DISCHARGE OF
REPRESENTATIVE

COUNSEL:
MARCO ANTONIO MIRANDA (DEC)...
GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition for termination of proceedings.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. This appears to be a petition to terminate a no asset estate pursuant to Pr.C. § 12251, although the caption does not say so, in violation of Local Rules of Court, Rule 20-601.
2. Petitioner contends that while there were a lot of items listed as assets of this estate it turns out that the majority either had no value, were repossessed, or belonged to someone else. Petitioner contends that the business of the decedent did not exist. Petitioner alleges that the real property was encumbered to the extent that it had no value. Based thereon the petitioner alleges that there are no assets subject to distribution in this estate.
3. I do find one creditor's claim filed by Citibank in the amount of \$251.68. It is unknown if this claim was rejected or allowed.
4. There is no objection in the file at the time of this review.

RECOMMENDATION: Court's discretion.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02690

CASE NAME: MARCO ANTONIO MIRANDA
SEE ALSO 18 19 20
HEARING:
Accounting Review

COUNSEL:
MARCO ANTONIO MIRANDA (DEC)...

GENERAL INFORMATION See preceding pages.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02764

CASE NAME: DORIS MAE HAVENS

HEARING:
Hearing re Final Discharge

COUNSEL:
DERRICK ALAN HAVENS (PET)...M DANIEL SAYLOR
DORIS MAE HAVENS (DEC)...

GENERAL INFORMATION **Continued from 4-8-08 for filing of final discharge order. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. This was an estate that ended with no assets to distribute. Therefore there are no receipts. There is only need for a final discharge order.

RECOMMENDATION:
Require petitioner to file final discharge order.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02818

CASE NAME: AUSTIN MCGREAL AKA AUSTIN JOSEPH MCGREAL,
AUSTIN J
SEE ALSO 24

HEARING:
Hearing re Final Discharge

COUNSEL:
AUSTIN J. MCGREAL (PET)...PRO/PER
AUSTIN JOSEPH MCGREAL (DEC)...

GENERAL INFORMATION No file available for review.
FILE OU LINDA CITE

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02818

CASE NAME: AUSTIN MCGREAL AKA AUSTIN JOSEPH MCGREAL,
AUSTIN J
SEE ALSO 23

HEARING:
OSC re: SANCTIONS

COUNSEL:
AUSTIN J. MCGREAL (PET)...PRO/PER
AUSTIN JOSEPH MCGREAL (DEC)...

GENERAL INFORMATION No file available for review.

FILE OU LINDA CITE

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02828

CASE NAME: MADELYON ZENITH GREEN
SEE ALSO 26
HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
MARK S. MCDONALD (PET)...PRO/PER
MADELYON ZENITH GREEN (DEC)...

GENERAL INFORMATION **Continued from 6-5-07. Nothing new filed.**
Continued from 7-10-07. Nothing new filed.
Continued from 8-14-07. Matter out for service of citation. We are awaiting return of service. Nothing new filed.
Continued from 10-2-07. Bank statements have been filed, but they do not support the inventory and appraisal. The bank statements are from 7 and 8-06. Decedent died on 7-23-05. Need correct bank statements. Also court ordered petitioner to pay \$90 to court for cost of service of citation no later than 10-31-07. As of 10-31 no payment has been received by the court. Court ordered petitioner to comply with court orders or he would be sanctioned. Nothing new filed.
Continued from 3-4-08. On 3-4 Mr. McDonald appeared and was ordered to file bank statements that corresponded to date of death values for the decedent. Nothing new filed.
Continued from 4-8-08. No appearance. Clerk has given notice. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Inventory and appraisal has been filed.
2. Copies of investment account statements verifying the balance of cash or securities shall be filed with all inventories and/or accountings. Please file those documents. **Only bank statements filed are not date of death values.**

RECOMMENDATION:

Require petitioner to file copy of bank statement to support inventory and appraisal. See next page. There is no bonding company to notice.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02828

CASE NAME: MADELYON ZENITH GREEN
SEE ALSO 25
HEARING:
Accounting Review

COUNSEL:
MARK S. MCDONALD (PET)...PRO/PER
MADELYON ZENITH GREEN (DEC)...

GENERAL INFORMATION Continued from 3-4-08. At the time of the hearing Mr. McDonald informed the court that the \$250,000 annuity check was paid and distributed to the heirs in error. Court ordered Mr. McDonald to provide a copy of the check and a statement from AIG Annuity Co. Mr. McDonald is ordered to appear at the time of the 4-8-08 hearing. Nothing new filed. Continued from 4-8-08. No appearance. Clerk has given notice. Nothing new filed.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting/ status report has been filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050. There is no bonding company to notice.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02918

CASE NAME: BARBARA ANN CALLI

HEARING:
Hearing re Final Discharge

	COUNSEL:
DOUGLAS M. CALLI	(PET)...HARCOURT HERVEY
BARBARA ANN CALLI	(DEC)...
SUSAN M HALLDANE	(CAD)...HARCOURT HERVEY

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No receipts or final discharge order have been filed.

RECOMMENDATION:

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505. There is no bonding company to notice.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 9:00 DEPT: E2

CASE #: VPRVS002398

CASE NAME: ESTATE OF GEORGE A STOUP
SEE ALSO 29 29A

HEARING:
Hearing Re: STATUS REPORT AND/OR ACCOUNT.

	COUNSEL:
JONI M VELIS	(PET)...E. JOAN NELMS
GEORGE A STOUP	(DEC)...
JONI M VELIS	(TP)...HARTNELL, LISTER & MOORE

GENERAL INFORMATION see next matter on calendar.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 9:00 DEPT: E2

CASE #: VPRVS002398

CASE NAME: ESTATE OF GEORGE A STOUP
SEE ALSO 28 29A

HEARING:

Motion re: TO CONTINUE ADMINISTRATION filed by Petitioner JONI M
VELIS

COUNSEL:

JONI M VELIS	(PET)...E. JOAN NELMS
GEORGE A STOUP	(DEC)...
JONI M VELIS	(TP)...HARTNELL, LISTER & MOORE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON motion to continue administration.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. This appears to be a Pr.C. § 12200 status report petition, but fails to set forth that information in the caption, as is required by Local Rules of Court, Rule 20-601.
2. As this appears to be a status report without an accounting file notice of hearing and proof of service in accord with Pr.C. § 12201. Whenever a status report is filed without an accounting notice must indicate a right to an accounting in accord with Pr.C. § 10950. **This form of notice is mandatory.**
3. Estate is not in a condition to close due to the fact that the sale of the real property of the estate fell out of escrow. As this is the only asset of the estate it must be sold in order to close the estate.

RECOMMENDATION:

Require proper notice. If petition granted court will have to set future dates. Set hearing for the next status report and/or account for 5-26-09. Any accounting to be filed 30 days in advance. Estate to remain open until that time.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 9:00 DEPT: E2

CASE #: VPRVS002398

CASE NAME: ESTATE OF GEORGE A STOUP
SEE ALSO 28 29

HEARING:

Motion re: TO VACATE ORDER CONFIRMING SALE OF REAL PROPERTY
filed by Petitioner JONI M VELIS

COUNSEL:

JONI M VELIS	(PET)...E. JOAN NELMS
GEORGE A STOUP	(DEC)...
JONI M VELIS	(TP)...HARTNELL, LISTER & MOORE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON motion to vacate court's order
confirming sale of real property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioner indicates that the buyer of the estate real property, Sid Lodi, did not complete the escrow and was not able to deposit the money necessary to complete the sale. Based thereon the petitioner requests that the court vacate its prior order. Petitioner sets forth no authority for the court to take this action.
2. Petitioner also requests that the court order that all money deposited into escrow be turned over to the petitioner and further that any taxes paid by Mr. Lodi during the escrow period not be subject to reimbursement. Petitioner offers no authority for the court to take the requested action.
3. Further there is no showing that the estate was damaged by the failure of the escrow in the amount of the deposit, \$12,500.
4. File notice of hearing and proof of service.

RECOMMENDATION:

Require proper notice. Require petitioner to provide authority for the court to take the action requested.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN
CONSERVATORSHIPS

DATE: 05/20/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0600016

CASE NAME: EVERLEANER DAVIS

HEARING:

Petition for for attorney fees for order terminating appt as
counsel and requiring no further service

COUNSEL:

PHYLLIS E COLLINS (PET)...EDWARD B FISCHER
EVERLEANER DAVIS (PCE)...

GENERAL INFORMATION No file available for review.

FILE OUT AR 5-1

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0700274

CASE NAME: PATRICIA REED

HEARING:
Petition for Appointment of Conservator

	COUNSEL:
TERESA BOYD	(CPE)...KATHLEEN ELDER-BLAKELY
PATRICIA REED	(CEP)...LENITA A SKORTEZ

GENERAL INFORMATION:

On 11/19/07 Ex-parte petition for temporary continued for Court Investigator report. Court appoints counsel for proposed conservatee.

On 12/3/07 Ex-parte petition for temporary conservatorship continued to this date as the Court Investigator had not interviewed the proposed conservatee.

Continued from 2-11-08 to complete medical capacity declaration. Nothing new filed.

Continued from 3-18-08 to file capacity declaration. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Amended petition for appointment of conservator of person and estate by sister-in-law

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner requests no bond for reasons stated in attachment 1(c). However, no attachment 1(c) is affixed to the petition. Need verified supplement. The estimated estate value is \$370,272.00. Alternatively, court may set full bond of \$370,272.00. **Court found at the time of the 1-3-08 hearing that the estate consists exclusively of public benefit and court will determine bond at the closing of a pending probate.**
2. Petitioner requests medical powers. Need Medical Capacity declaration.

3. Court Investigator report indicates no adverse findings.
4. On 11/19/07 court appointed counsel for conservatee. Need report of counsel.
5. Petition indicates conservatee is unable to attend the hearing. Citation is returned served.

RECOMMENDATION:

Need to clear notes and court's determination re bond.

If approved, set hearing for filing of inventory and appraisal, care plan and proof recordation of letters, including proof of service of inventory and appraisal, instructions for objection to inventory and appraisal, order appointing Conservator and care plan in accord with Pr.C. §§ 1830, 2313, 2352 and 2610 for 12-23-08. Note requirements of local rule 20-1404.

Set hearing re Accounting Review for 7-28-09. Any accounting to be filed 30 days in advance.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800094

CASE NAME: ALICE A. GAY

HEARING:
Case Management Conference

	COUNSEL:
ROBERT R. GAY	(PET)...LAMB MORRIS & LOBELLO
ALICE A. GAY	(DEC)...

GENERAL INFORMATION matter on for Case Management Conference. No notes.

FILE OUT E2 w/170.6 4-16

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 10:30 DEPT: E2

CASE #: SC SS9460

CASE NAME: IN THE MATTER OF RAUL GARCIA

HEARING:
Accounting Review

COUNSEL:
RAUL GARCIA (CEP)...
ELEANOR SANCHEZ (CPE)...PRO/PER

GENERAL INFORMATION Matter continued a number of times and then went to O.S.C. re sanctions. Court found that the failure to file was not intentional and then dismissed O.S.C. re sanctions. Court ordered Ms. Sanchez to obtain and file a waiver of accounting form. Nothing new filed.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting has been filed. Ms. Sanchez was ordered to file a waiver of accounting form. None filed to date.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr. C. § 2620.2. There is no bonding company to notice.

NMT

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 10:30 DEPT: E2

CASE #: VC VS00358

CASE NAME: MTR OF JOSEPH ALMA HALL
SEE ALSO 35
HEARING:
Hearing Re: PETITION TO AMEND ORDERS AND LETTERS.

COUNSEL:
RICHARD HALL (CP)...PRO/PER
JOSEPH ALMA HALL (CTP)...CALDWELL, KENNEDY & PORTER, .
VALERIE HALL (OBJ)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition to amend orders and letters.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the Conservator and father of the Conservatee. The petitioner indicates that the mother of the Conservatee was killed in an auto accident and in order for him to collect the insurance proceeds he must be Conservator of the estate.
2. This would require the filing of a conservatorship petition on the proper forms and cannot be done on pleading paper. Use of current Judicial Counsel Forms is mandatory. Calif. Rule of Court, rule 7.101.
3. File notice of hearing and proof of service.

RECOMMENDATION:

See also matter on next page. Next petition could render this petition moot.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 10:30 DEPT: E2

CASE #: VC VS00358

CASE NAME: MTR OF JOSEPH ALMA HALL
SEE ALSO 34

HEARING:

Petition for TERMINATION CONSERVATORSHIP MEMO OF POINTS &
AUTHORITIES

COUNSEL:

RICHARD HALL	(CP)...PRO/PER
JOSEPH ALMA HALL	(CTP)...CALDWELL, KENNEDY & PORTER, .
VALERIE HALL	(OBJ)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition to terminate conservatorship.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioner is the Conservator. He indicates that the conservatorship was started at the behest of the Family Law Court to ensure the financial well being of a disabled adult. Petitioner is also the father of the Conservatee. He alleges that the mother of the Conservatee has now died and that when he is able to collect the money from the insurance he and Conservatee will be repairing the wells on the farm land that he owns and he and Conservatee will be working on the farm. Based thereon the petitioner believes a conservatorship is no longer necessary.
2. Court appointed attorney Kennedy for the Conservatee. However, Ms. Kennedy has declined based on a conflict. Court may wish to appoint other counsel.
3. File notice of hearing and proof of service including service on Inland Regional Center.
4. Court may wish a report from the Court Investigator and/or Inland Regional Center.

RECOMMENDATION:
Court's discretion.

NMT.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN MISC.

DATE: 05/20/08 TIME: 1:30 DEPT: E2

CASE #: VPRVS003252

CASE NAME: ESTATE OF DOROTHY N BAILEY
SEE ALSO 37

HEARING:

Court Trial -- Estimated trial length *** hrs.

COUNSEL:

MICHAEL BAILEY (PET)...HODGE & BARTOUMIAN
DOROTHY N BAILEY (DEC)...
CAROL S BAILEY CLARK (PET)...PRO/PER
STEVE BAILEY (PET)...WELCH DACRE & ASSOCIATES, P.C.
DON BAILEY (PET)...PRO/PER

GENERAL INFORMATION Matter on for court trial. No notes.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/20/08 TIME: 1:30 DEPT: E2

CASE #: VPRVS003252

CASE NAME: ESTATE OF DOROTHY N BAILEY
SEE ALSO 36

HEARING:

Petition for Letters of Admin. W/ Limited Authority under IAEA

COUNSEL:

MICHAEL BAILEY (PET)...HODGE & BARTOUMIAN
DOROTHY N BAILEY (DEC)...
CAROL S BAILEY CLARK (PET)...PRO/PER
STEVE BAILEY (PET)...WELCH DACRE & ASSOCIATES, P.C.
DON BAILEY (PET)...PRO/PER

GENERAL INFORMATION:

Matter is contested and there are competing petitions (See matter 14).

Continued several times. Notes below are prior notes.

THIS CASE IS SET FOR HEARING ON

#1 Amended Petition for Letters of Administration with LIMITED authority under IAEA, by Michael Bailey

#2 Petition for Letters of Administration with LIMITED authority under IAEA, by Steve Bailey

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

Petition #1 by Michael Bailey:

1. Petitioner is son of decedent.
2. Petitioner requests bond in the amount of \$7,500. As the estimated estate value is \$358,000 (\$1,000 in cash and \$357,000 in real property) and limited authority is sought, court may wish to set minimum bond of \$20,000.

3. Objection to appointment filed by decedent's children Carol Clark, Steve Bailey, and Don Bailey.

Petition #2 by Steve Bailey:

4. Petitioner is son of decedent.
5. Petitioner requests bond of \$36,500. Estate is estimated at \$36,500 (of which \$35,000 is in real property). Bond amount ok.
6. There have been two nominations filed on behalf of Steve Bailey.

RECOMMENDATION:

Petitioners are of equal priority. If the petitioners are of equal priority the court may appoint one or more of the petitioners, but if they are unable to agree, the court may appoint the public administrator or a disinterested person in the next lower class of priority as the persons who are unable to agree. Pr.C. § 8467. Any competent adult is eligible to be appointed administrator. Pr.C. § 8402. A proposed administrator may be denied appointment if there are grounds for removal from office under Pr.C. § 8502. Court's discretion.

(/gls/KRA/NMT)